

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 19, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B133404 People v. Burns
B133531/B139201 People v. Sencion
B133878 People v. Moore
B137151 People v. Lara & Ramos
B137229 People v. Espino
B137317 People v. Martha
B137324 Plummer III v. Royal Thrift & Loan
B137794 People v. Brazile
B138168 People v. Gentle III
B139028 People v. Placencio
B139219 People v. Grimes
B139845 People v. Hough
B140565 People v. Victor B.
B140601 People v. Nailing
B140824 D.C.F.S. v. Edmund M.
B140871 People v. Davis
B140970 People v. Walter B.
B141507 People v. Caldera
B142097 People v. Joey G.
B143640 People v. Dixon
B144206 Ervin B. S.C.L.A. (D.C.F.S.)
B144557 Kristin A. v. S.C.L.A. (D.C.F.S.)
B144841 Rigoberto A. et al. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B135215 People
 v.
 Shinn
 Ranger Insurance Company et al.

Merits:
Argued by Kenneth F. Weston for appellant. No appearance for
respondent. Cause submitted.

B118440 People
 v.
 Myron

Merits:
Argued by John L. Staley for appellant and by Thomas C. Hsieh, deputy
attorney general, for respondent. Cause submitted.

B141113 People
 v.
 Dallas W.

Merits:
Argued by Jill A. Thomas for appellant and by David E. Madeo, deputy
attorney general, for respondent. Cause submitted.

B138814 Marcus
 v.
 Mora et al.

Merits:
Argued by Jay S. Bloom for appellant and by Gary D. Fields for respondent
Mora, by Elizabeth M. Chidi for respondent Morales and by Steven J.
Renick for respondent Hicks. Cause submitted.

DIVISION ONE (Continued)

B135755 People
 v.
 Willis, Sr.

Merits:
Argued by Tara M. Mulay for appellant and by April S. Rylaarsdam,
deputy attorney general, for respondent. Cause submitted.

B134666 People
 v.
 Scott

Merits:
Argued by Steven Schorr for appellant and by Rori M. Ridley, deputy
attorney general, for respondent. Cause submitted.

B131081 K.S.C.H. Inc.
 v.
 Kim

Merits:
Argued by Henry K. Workman for appellant and by James M. Slominski for
respondent. Cause submitted.

B138365 People
 v.
 Wilson & Harrod

Merits:
Argued by Ian Noel for appellant Wilson. Argument waived by Carlson M.
Legrand, deputy attorney general, for respondent and by Jeffrey S. Kross
for appellant Harrod. Cause submitted.

December 19, 2000-Continued

DIVISION ONE (Continued)

B137948 Rodriguez et al.
v.
DSL Transportation Services Inc. et al.

Merits:
Argued by Richard L. Dewberry for appellants and by Mark H. Herskovitz for respondents. Cause submitted.

B140985 People
v.
Jaime Enrique N.

Merits:
Argued by Joseph H. Hofman for appellant and by Rori M. Ridley, deputy attorney general, for respondent. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B138138 Home Savings of America
v.
Continental Insurance Company

Merits:
Argued by Joseph J. Sheehan for appellant and by Jeffrey Leist for respondent. Appellant to file letter brief by Friday. Respondent has until following Tuesday to reply. Submission deferred until Tuesday, December 26, 2000.

Court adjourned.

B140565 People (Not for Publication)
v.
Victor B.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

December 19, 2000-Continued

DIVISION ONE (Continued)

B137794 People (Not for Publication)
v.
Brazile

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B140386 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Luis L. et al.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B145252 Welsh (Not for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to prepare and file an abstract of judgment in compliance with our opinion and its own December 18, 1992 order, in Los Angeles Superior Court case No. A911459, entitled *The People v. Steven Alric Welsh*, and forward said amended abstract of judgment to the Department of Corrections forthwith.

Spencer, P.J., Ortega, J., Mallano, J.

December 19, 2000-Continued

DIVISION TWO

B134515 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION THREE

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B136737 People (Not for Publication)
v.
Duran

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

December 19, 2000-Continued

DIVISION THREE (Continued)

B139408 People (Not for Publication)
v.
Cole

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B120572 People (Not for Publication)
v.
Ayon

The resentencing of defendant is vacated and the original sentence of 32 years in prison is hereby reinstated. As modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B134030 Nancy Styles (Not for Publication)
v.
Daniel F. Bertonneau, et al.

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B144119 Kimberly M. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

Petition denied by opinion.

Kitching, J.

We concur: Klein, P.J.
 Perluss, J. (Assigned)

B143644 Los Angeles County Department of
 Children and Family Services (Not for Publication)
 v.
 Twyla R.

The appeal is dismissed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

B133130 Melodye Carroll (Not for Publication)
 v.
 State of California

Appeal number B133130 is dismissed. Parties to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

[illegible]

The appeal is dismissed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B142596 People (Not for Publication)
v.
West

The post-judgment order denying appellant's motion for reduction of the amount of the restitution fine imposed in this matter is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B143416 People (Not for Publication)
v.
Antone E.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B143212 People (Not for Publication)
v.
Newbern

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B136655 Rojas (Not for Publication)
v.
The Farmers Insurance Group

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B126881 Thompson (Not for Publication)
v.
Bank of America

The orders of the superior court are affirmed. Respondent B.A. Properties is awarded costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

December 19, 2000-Continued

DIVISION FOUR (Continued)

B141125 Weinstock (Not for Publication)
v.
Bleakley

The judgment is reversed as to Robyn Bleakley only. It is otherwise affirmed. Costs are to be absorbed by each of the parties.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B138076 Pinedo (Not for Publication)
v.
Premium Tobacco

The order denying arbitration is affirmed. Costs are awarded to respondent. Respondent's request for sanctions is denied.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B142294 Gil Garcetti (Certified for Publication)
B143136 v.
Superior Court, Los Angeles County
(Ross Washington, r.p.i.)

The petitions for writs of mandate are granted. The trial court is ordered to vacate its orders precluding Dr. Franks's testimony at the probable cause hearing and limiting the district attorney's experts review of Washington's treatment and therapy. The stay of this matter shall be dissolved upon the opinion becoming final.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Weisman, J. (Assigned)

DIVISION FIVE (Continued)

B142777 Gil Garcetti (Not for Publication)

v.

Superior Court, Los Angeles County

(Artis Ivey, r.p.i.)

Petition is denied.

Grignon, Acting P.J.

We concur: Godoy Perez, J.
 Weisman, J. (Assigned)

DIVISION SIX

B138701 People (Not for Publication)

v.

Graves

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B136921 People (Not for Publication)

v.

Meijer

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

December 19, 2000-Continued

DIVISION SIX (Continued)

B140526 Lou-Laub (Not for Publication)
v.
Laub

The order is affirmed. Appellant shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B139386 People (Not for Publication)
v.
Edwards

The superior court is directed to amend the abstract of judgment to reflect a sentence of 25 years to life and to transmit a certified copy of the amended abstract of judgment to the Department of Corrections. The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B142286 People (Not for Publication)
v.
Williams

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

December 19, 2000-Continued

DIVISION SIX (Continued)

B141392 People (Not for Publication)
v.
Gladish

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B141247 People (Not for Publication)
v.
Holt

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B142186 People (Not for Publication)
v.
Cardenas

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

December 19, 2000-Continued

DIVISION SIX (Continued)

[illegible]

The matter is remanded to the trial court either to strike or impose the punishment for the gang enhancement on count 2. In all other particulars the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B143471 People v. Louis (Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B132744 Lark (Not for Publication)
v.
Superior Court, Los Angeles County
(Medical Board of the state of California, r.p.i.)

The petition for writ is granted, the judgment is reversed, and the matter is remanded to the superior to conduct an independent review of all evidence and determine if substantial evidence supports the findings of the Board and determine whether the Board abused its discretion when it revoked Dr. Lark's certificate to practice medicine. Each side shall bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

B135561 Flowers (Not for Publication)
v.
Richfield Hospitality Services

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

December 19, 2000-Continued

DIVISION SEVEN (Continued)

B140038 People (Not for Publication)
v.
Metzagopian

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

December 19, 2000-Continued

DIVISION SEVEN (Continued)

B138466 People (Not for Publication)
v.
McGee

The judgment is affirmed. The superior court shall cause its clerk to amend the abstract of judgment to delete that defendant is to pay a \$1,000.00 restitution fine. In lieu thereof, the clerk is to order that the restitution fine imposed at sentencing pursuant to Penal Code section 1202.4 was \$600.00. The amended abstract of judgment shall be sent to the California Department of Corrections.

Lillie, P.J.

I concur: Woods, J.
I concur and dissent: Neal, J. (Opinion)